

REMARKS

I. Introduction

In response to the July 9, 2008 final Office Action, Applicants have incorporated the limitations of claim 17 into claim 1. Claims 8 and 17 have been cancelled herewith, without prejudice. No new matter has been added.

Applicants appreciate the Examiner speaking with the Applicants on November 13, 2008 to discuss the rejections of claim 17 of the present application.

A Request for Continued Examination (RCE) is being filed concurrently with this Amendment.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection of Claims 1, 5-6 And 8-20 Under 35 U.S.C. § 103

Claims 1, 5-6 and 8-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashiguchi et al. (JP Pub. No. 62-234878) in view of Sweetman et al. (USP No. 4,667,140) and further in view of Thomas et al. (US 2002/0079865), claim 13 as being unpatentable over Hashiguchi in view of Sweetman and Thomas and further in view of Artweiger (USP No. 4,301,789); claims 14 and 20 as being unpatentable over Hashiguchi in view of Sweetman and Thomas and further in view of Oshida et al. (USP No. 5,585,204); claims 15 and 16 as being unpatentable over Hashiguchi in view of Sweetman and Thomas and further in view of Kimura et al. (US 2004/0061480); claim 17 as being unpatentable over Hashiguchi in view of Sweetman and Thomas and further in view of Lin (USP No. 6,826,792); and claims 18 and 19 as being unpatentable over Hashiguchi in view of Sweetman and Thomas and further in view of Iimura

(USP No. 4,702,506). As the limitations of claim 17 have been incorporated into independent claim 1, Applicants will refer to amended claim 1 while addressing the rejections of claim 17. Applicants respectfully traverse the pending rejections for at least the following reasons.

With regard to the present disclosure, amended claim 1 recites a battery storing device comprising a heat conductor having a first heat conduction body disposed in an opening in a lid body; a second heat conduction body bonded to a heat insulation body; a third heat conduction body, and the second heat conduction body is disposed between the first heat conduction body and the third heat conduction body.

It is alleged that Lin teaches a heat conductor that is bonded to the heat insulation body. However, nowhere in Lin is there any indication that the heat conductors 31 and 32 are bonded to a heat insulation body. In fact, no heat insulation body is referred to in the Office Action. Moreover, the heat conductors appear to be resting on, not bonded to the cover 21 (see, Fig. 2 of Lin). However, even if the conductors were bonded to the cover 21, it is the **third** conductor that is bonded to the cover, not the second, because the second conductor is disposed in between the first and third conductors. In contrast, in the present disclosure the second heat conductor 27 is bonded to the heat insulation body 28 and disposed between the third heat conductor 29 and the first heat conductor 26 (see, Fig. 3A of drawings). Moreover, Hashiguchi, Sweetman and Thomas fail to remedy this deficiency. As such, the proposed combination of Hashiguchi, Sweetman, Thomas and Lin fails to disclose all of the limitations of claim 17. Accordingly, Applicants respectfully submit that claim 17 is allowable over the cited prior art.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. As Hashiguchi, Sweetman, Thomas and

Lin, at a minimum, fail to disclose or suggest a battery storing device comprising a heat conductor having a first heat conduction body disposed in an opening in a lid body; a second heat conduction body bonded to a heat insulation body; a third heat conduction body, and the second heat conduction body is disposed between the first heat conduction body and the third heat conduction body, it is clear that Hashiguchi, Sweetman, Thomas and Lin, alone or in combination, fail to render amended claim 1 obvious. As such, Applicants respectfully request that the § 103 rejection of amended claim 1, and all pending dependent claims thereon, be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Conclusion


Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

Application No.: 10/523,972

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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